



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/154898

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 15, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services - WI Rapids in regard to Medical Assistance, a telephonic hearing was held on March 10, 2014, at Merrill, Wisconsin.

The issue for determination is whether the county agency should rescind the petitioner's \$161 BadgerCare premium for January, 2014 due to untimely notice to petitioner resulting in good cause for petitioner to have purchased private insurance for January, 2014.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED], ESS

Wood County Human Services - WI Rapids  
320 West Grand Avenue  
PO Box 8095  
Wisconsin Rapids, WI 54495-8095

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Lincoln County who received BadgerCare Plus for herself, her husband and her daughter.

2. Petitioner had set up an automatic payment from her bank account for payment of her monthly BadgerCare premium of \$161.
3. The county agency sent on November 7, 2013 a notice to the petitioner stating that her BadgerCare Plus benefits would end effective January 1, 2014.
4. Based upon that notice, petitioner purchased a private health insurance policy through her husband's employer to begin as of January 1, 2014.
5. The petitioner contacted the county agency to inform them that she purchased private health insurance, and wanted to cancel her January, 2014 BC premium payment.
6. The petitioner contacted her bank to stop payment on the automatic BC premium payment for January, 2014, and the payment was stopped by her bank.
7. The county agency sent a December 20, 2013 notice to the petitioner stating that due to a change in State policy petitioner could extend her BadgerCare Plus coverage through March, 2014.
8. The December 20, 2013 notice was received by petitioner after she had already purchased private insurance and after the December 10, 2013 "cutoff" for cancelling her BC premium payment for January, 2014.
9. The petitioner requested this hearing because she wants for the Department records to be corrected so that she does not owe any BC premium for January, 2014.

### DISCUSSION

During the March 10, 2013 hearing, petitioner convincingly testified that she contacted the county agency to notify them that she did not want BC coverage for January, 2014 because she had purchased private insurance due to the November 7, 2013 notice stating her BC would end as of January 1, 2014. The deadline for cancelling the BC premium for January was December 10, 2013. However, petitioner correctly argued that she did not receive a notice until December 20, 2013 (after the cut-off date) that she had the option to continue her BC Plus coverage through March, 2014. Petitioner did pay for private insurance premiums to begin through her husband's employer as of January 1, 2014.

While petitioner was able to cancel with her bank the \$161 BC premium payment for January by a stop order through her bank, she does not want the State or county agency records to indicate that she has any outstanding BC premium balance due of \$161 for January, 2014. Petitioner requests that her BC premium for January, 2014 be cancelled due to the good cause explained above. The county representative, ESS [REDACTED], agreed that it was not fair to charge petitioner any BC premium for January, as the county agency did not notify petitioner of any possibility of continued BC eligibility until December 20, 2013 after she had already paid for her private health insurance as of January 1<sup>st</sup> and after the "cutoff" date of December 10, 2013.

### CONCLUSIONS OF LAW

The county agency should rescind the petitioner's \$161 BadgerCare premium for January, 2014, due to untimely notice to petitioner resulting in good cause for petitioner to have purchased private insurance for January, 2014.

**THEREFORE, it is**

### ORDERED

The matter is remanded to the county agency (**Attention: ESS [REDACTED]**) with instructions to: a) rescind petitioner \$161 BadgerCare premium for January, 2014; and b) change the appropriate records to reflect that petitioner has no BC premium balance due for the month of January, 2014, within 10 days of the date of this decision.

## REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 7th day of April, 2014

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\sGary ■ Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on April 7, 2014.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability